IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 1ST AUGUST 2005 / 10TH SRAVANA 1927

Bail Appl..No. 4632 of 2006

(CRIME NO.247/2006 OF THAMARASSERY POLICE STATION)

.....

PETITIONER/ACCUSED

SHYJU, S/O. NARAYANANKUTTY NAIR,
MALAYIL HOUSE, PUNNASSERY P.O.,
NARIKUNI VIA., KOZHIKODE DISTRICT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE

1. SUB INSPECTOR OF POLICE,
THAMARASSERY POLICE STATION,
KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/08/2006, THE COURT ON 01/08/2005 PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4632/2006

DATED THIS THE 1ST DAY OF AUGUST, 2006

O R D E R

The petitioner is accused of the offence punishable under Sections 376 and 384 IPC, in crime No.247/2006 of Thamarassery Police Station. It is alleged that the petitioner took the victim, a collection agent of Life India Limited, to different places, on the promise of giving her a policy, and at one place, he committed rape on her. She is a married woman with two children. He took away an amount of Rs.5,000/- as well as 2.5 sovereigns of gold ornaments from the possession of the victim. The occurrence took place on 17.5.2006. the petitioner is an auto driver of the locality. He threatened her as well as her nine year old child. Therefore, she kept quite till 27.5.2006, out of fear. However, she gathered strength on the support of her husband and others and made a complaint before the Sub Inspector of Thamarssery police station , who registered the complaint.

2. After hearing both sides and considering the materials on record, I direct the petitioner to surrender before the Investigating Officer of Thamarssery police station, on 7.8.2006 between 10.30 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioner and thereafter, produce him before the competent Magistrate Court, the Judicial Magistrate of First Class, Thamarassery, according to the law. Unless the investigating officer moves an application for the custody of the petitioner for further interrogation, the learned Magistrate shall consider the bail application that would be filed by the petitioner, on the same day itself and pass appropriate orders on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs